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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,416	06/18/2001	Fong Fang Shen	50325-0537 (3943)	3181

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER

ADDY, THUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/884,416

Applicant(s)

SHEN ET AL.

Examiner

Thjuan K. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-27,29-37,39-44,46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8,10,11,13-20,31-37,39-44,46 and 47 is/are allowed.
- 6) ☒ Claim(s) 12,21-27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 21, 2007 has been entered. No claims have been amended. Claims 9, 28, 38, and 45 have been cancelled. No claims have been added. Claims 1-8, 10-27, 29-37, 39-44, 46, and 47 are still pending in this application, with claims 1, 12, 13, 14, and 15 being independent.

Allowable Subject Matter

2. Claims 1-8, 10, 11, 13-20, 31-37, 39-44, 46, and 47 are allowed.

3. The following is an examiner's statement of reasons for allowance: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claims 1, 13, 14, and 15, the prior art of record fails to teach or suggest, alone or in combination, the recited method and apparatus, of automatically provisioning network service for a customer premises equipment of a subscriber in a next generation digital telecommunications network, which allocates and reserves network addresses for a voice signaling channel and a bearer channel associated with communications between the customer premises equipment and the network, updating a domain name service server with information that associates the allocated and reserved network addresses with the customer premises equipment, reserving network addresses with the customer premises equipment, and creating and storing one or more mappings for the permanent virtual circuits in a switch device that directs network

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communications to the customer premises equipment. No prior art was found that discloses or teaches the limitations of claims 1, 13, 14, and 15.

4. Claims 2-8, 10, 11, 16-20, 31-37, 39-44, 46, and 47 are dependent upon claims 1, 13, and 15, respectively, therefore, claims 2-8, 10, 11, 16-20, 31-37, 39-44, 46, and 47 are allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12, 21-27, 29, and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. Independent claim 12 recites "a computer-readable medium", and on pg. 54, lines 12-16, of Applicant's specification, the computer-readable media is disclosed as being "a carrier wave", thus directing the claimed invention, of claims 12, 21-27, 29, and 30, to non-statutory subject matter.

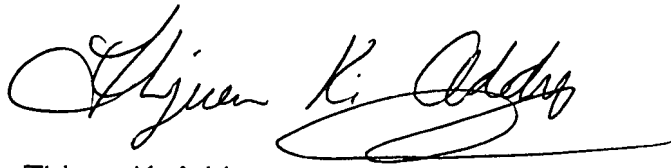
8. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement.

Merely claiming nonfunctional descriptive material, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. A claim reciting a signal encoded with functional descriptive material does not fall within any categories of patentable subject matter set forth in 35 U.S.C. 101. A claimed signal is clearly not a "process" under 35 U.S.C. 101, because it is not a series of steps.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Thjuan K. Addy". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Thjuan K. Addy
Patent Examiner
AU 2614